

Affidavit Indico-Living Testimony

Notice and Demand to Cease and Desist Fraud and

**Notice of Intent to Bring Tort Claims and Liens and Notice to With-
draw/Strip any and all Agents of the NHBAR From Power of Attorney and**

Notice to Withdraw any and all Signatures by Affiant

Against All Wrongdoers/Libellees

By: :Malinda: Nicolosi - Affiant

Proceeding Sui Juris

Special Guest Appearance De Bene Esse

Notice to Agent is Notice Principal and Notice to Principal is Notice to Agent

Wrongdoers/Libellees:

**Philip Cross, Kerry Steckowych, Elizabeth Leonard, Robert Foley, Robert
Stephen, David King, Anthony Grillo, Joan Grillo, Cheri Nolan.**

**As of the day of service for these Notices, a ten day period commences to
bring about the Claims against all Parties, the Wrongdoers/Libellees, harming
Affiant, known as :Malinda: Nicolosi and her son :A[REDACTED]-m[REDACTED]: for the
following crimes and acts of paper terrorism and commercial trafficking,
listed immediately below.**

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These Notices are Affidavits Indico, just as if Affiant is making them with her physical presence, verbally, in real time, and as demonstrated in law, an affidavit without rebuttal stands as truth and truth is sovereign and self-evident, therefore if any part of this Affidavit Indico is rebutted truthfully and within the bounds of law and statute and/or code that rules one any public/private employee/contractor for a governmental services corporation operating in commerce under the rules of bankruptcy, the rest of this Affidavit remains as truth, and it all stands as truth if the Libellees misrepresent the facts.

- a) Non Rebutted Affidavits are "Prima Facie Evidence in the Case, "United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981);
- b) Cert Denied, 50 U.S. L.W. 2169; S.Ct. March 22, 1982. "Indeed, no more than (Affidavits) is necessary to make the Prima Facie Case."
- c) Seitzer v. Seitzer, 80 Cal. Rptr. 688 "Uncontested Affidavit taken as true in support of Summary Judgment."
- d) Melorich Builders v. The SUPERIOR COURT of San Bernardino County (Serbia) 207 Cal.Rptr. 47 (Cal.App.4 Dist. 1984) "Uncontested

Affidavit taken as true in Opposition of Summary Judgment."

- e) "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately." U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.
- f) "Uncontested affidavit" moved the court to hear the case. United States v. Lopez, No. 07-3159 (10th Cir. 03/04/2008).
- g) ..."finding uncontested affidavit of debtor's attorney that he provided telephonic notice of debtor's bankruptcy case sufficient to hold creditor in violation of § 362(h)." Johnson, No. 05-8089 (10th Cir. 08/28/2007).
- h) "Based on that uncontested affidavit, the court found that Col. Hardesty had personally and properly appointed Lt. Col. Harmon to Pvt. Wright's court-martial." Wright v. Commandant, USDB, No. 03- 3214 (10th Cir. 04/09/2004).

- i) "According to the uncontested affidavit of Dennis Farrington, Vice President/Management Supervisor at Hill, Holliday, the commercial became obsolete as of September 30, 1984, when the new model Fords were introduced, and would not be "aired in any form after that date." Kazmaier's prayer for injunctive relief is therefore moot." *Kazmaier v. Wooten*, 761 F.2d 46 (1st Cir. 04/30/1985).
- j) "Whether or not Thrift now has the original prescription forms submitted to UPA for reimbursement, Thrift submitted an uncontested affidavit stating that, as with Thrift's other claims, UPA failed to pay for the \$3,456.07 owed to Thrift upon Thrift's submission of the original claim forms." *Thrift Drug Inc. v. Universal Prescription Administrators*, 131 F.3D 95 (2d Cir. 12/11/1997)
- k) ..."the government conceded that a single sale was the only connection between the property and the predicate offense; on the day of the transaction the drugs were brought to the claimant's home at the insistence of the government informant; the uncontested affidavit of the claimant indicated that the drugs were present in the home for no more than a few hours; and there was no evidence that the house was used to store drugs. *Id.* at 1065. On these facts, the court found that there was no "substantial connection" between the claimant's home and the predicate offense." *United States v. Premises and Real Property* at 4492

South Livonia Road, 889 F.2d 1258 (2nd Cir. 11/17/1989)

- l) "The district court relied on the uncontested affidavit of Robert A. Michlik, the PBGC case officer responsible for processing the termination of the Plan, for the finding that 74 Plan participants were eligible for pension benefits as of September 20, 1978." *In re Syntex Fabrics Inc.*, 698 F.2d 199 (3rd Cir. 01/19/1983).
- m) "This motion was supported by an uncontested affidavit detailing that de Santibanes had essentially no contacts with Virginia or with the plaintiffs, including that he had never resided in Virginia, did not own any property in the State, does not receive income from any business with operations in the State, and has never sent nor received correspondence from the State. The plaintiffs did not contest the information in the affidavit by way of affidavit or testimony." *Lolavar v. Santibanes*, 430 F.3d 221 (4th Cir. 12/01/2005).
- n) "According to their uncontested affidavit... Carmichael simply cannot demonstrate any causal connection between Price Waterhouse's conduct and his prolonged imprisonment or torture." *Carmichael v. United Technologies Corp.*, 835 F.2d 109 (5th Cir. 01/07/1988).

- o) "The city responded to appellant's motion for attorney's fees with an (uncontested) affidavit from City Secretary Gorsline. That affidavit, together with the other factors identified in the chronology contained in the district court's opinion, established that as early as March 20, 1985, the city had decided to reword its election ballots." *Sorola v. City of Lamesa*, 808 F.2d 435 (5th Cir. 01/27/1987).
- p) "On the basis of this uncontested affidavit, we can take it as established, for summary judgment purposes, that the bank records were reasonably available." *Barrett v. United States and Internal Revenue Service*, 795 F.2d 446 (5th Cir. 07/28/1986).
- q) "The uncontested affidavit of Stevenson's vice-president established that..." *Albertson v. Stevenson*, 749 F.2d 223 (5th Cir. 12/26/1984).
- r) "The uncontested affidavit establishing appellant's reform or cure was made by appellant's wife at approximately the same time as the affidavits of the other employees. The case for discharge presented to the Merit Systems Review Board for decision, therefore, included an uncontested showing that Bonet was totally reformed or cured." *Bonet v. United States Postal Service*, 712 F.2d 213 (5th Cir. 08/19/1983).

- s) "The un rebutted affidavit of a MetLife representative establishes..."
Justofin v. Metropolitan Life Insurance Co., 372 F.3d 517
(06/25/2004).
- t) "The court's decision on the second summary judgment motion parallels its decision on the first. Again, it held that plaintiff had failed to comply with Rule 56(c)(2) when he filed new material in response to the motion and held, as a result, that defendant's statement of undisputed facts was deemed admitted." Gallipo v. City of Rutland (2004-041)

Maxim of law: Government can only control what it creates (The power which is derived cannot be greater than that from which it is derived.)

Affiant was not created by a Satanic Vatican BIRTH CERTIFICATE, which is used by BAR Attorners for their own unjust enrichment via criminal conversion

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To further emphasize the fact that Affiant yields no licenses, or grants, of any sort, to any "Personages" of governmental origin, these Affiant does not recognize the "Law Of Office Found", as per the information following; The Law of Office Found - definition.

1.) Affiant, :Malinda: Nicolosi, an expression of our Creator, an expression of love, a living, breathing, sentient being, is not the OFFICE OF THE PERSON, not MALINDA NICOLOSI or Malinda Nicolosi or Malinda N. or M.

Nicolosi or Nicolosi, Malinda or Ms. Nicolosi or Ms. Malinda Nicolosi or any other derivation of a fiction, or trustee, subject, debtor, taxpayer, person, individual, enemy of the state, ward, fiction, STRAWMAN, prisoner of war, commercial entity, corporate construct, decedent, or any other DEAD entity.

2.) Affiant has no evidence or record that, due to errors and mistakes in evidence, fact, and law; that she is required/bound/bonded to answer as any "person" or "persons" labeled with any nomenclature whatsoever and that Affiant knows no reason that she should respond to any beckon other than her true Christian Appellation, as made more explicit concerning the vulnerabilities of "persons" and errors, or mistakes, made thereto.

3.) All Libellees listed in this document admit to the truth and guilt of the unlawful assumption and presumption, without full and complete disclosure for lawful contracts, that Affiant, :Malinda: Nicolosi is an Officer of the Person(s) and Person(s) of an Office to Affiant's pain and injury.

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OFFICE OF PERSON

Notice; Office(s) Of "Person" are vacant and position(s) of "Office(s) Found", are NOT FOUND.

Affiant declares to the whole world that she is a "Belligerent Claimant at Law", and she is not of an "Office Found", belonging to the Queen of England, or any of her sub-corporations, including but not limited to Foreign Administrative Crown Temple B.A.R. run Courts, UNITED STATES, STATE OF NEW HAMPSHIRE, or their private, corporate Municipal Police, or any other Agent of foreign, diminished capacity.

The ruling of the cases below should clarify for everyone, this is the condition in this country. Also, contained in the Blackstone quote, is mentioned rights of the British in their declaration of liberties, but not so, read Declaration of Rights 1689, third section, it is made clear the rights of the corporation and the grantors take precedence.

- "Office Found", depends on the context. If talking about the king, it refers to an heir or successor, and removing holdings from aliens. If talking about a sub-corporation, the corporations are protecting their grants to keep the grants out of the hands of an alien friend or enemy. In either case, once office is found, the land or possession reverts back to the corporation, state or king, the sovereign.
- "Substantial evidence that British Corporations established an office in the United States under a resident agent, that the office collected dividends from vast holdings of American securities and did countless other tasks essential to the maintenance of a large investment portfolio, constituted sufficient basis for Tax Court's finding that corporations maintained an "office

or place of business" in the United States and were taxable as "resident foreign corporations" *C.I.R. v. Scottish American Inv. Co.*, U.S., 65 S.Ct. 169, 172, 323 U.S. 119, 89 L.Ed. 113. Words and Phrases

- "Office Found: "A finding of fact by inquest of office or other proceeding equivalent thereto that a certain individual is an alien. At common law, until office found, an alien is competent to hold land against third persons, and no one has a right to complain in a collateral proceeding, if the sovereign does not enforce its prerogative." *Phillips v Moore*, 100 US 208, 25 L Ed 603. Ballentine's Law Dictionary, third Ed.
- "Office Found: in English law. When an inquisition is made to the king's use of anything, by virtue of office of him who inquires, and the inquisition is found, it is said to be **office found**." See *Phillips v Moor*, 100 U.S. 484, 25 L. Ed. 628. Bouvier's Law Dictionary, 1914 Ed. -
- In *Stump v. Sparkman*, 435 U.S. 349 at 360 (1978), the Supreme Court confirmed that a judge would be immune from suit only if he did not act outside of his judicial capacity and/or was not performing any act expressly prohibited by statute. See Block, *Stump v Sparkman and the History of Judicial Immunity*, 4980 Duke L.J. 879 (1980). The Circuit Court overturned this case and the judge was liable.

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- Judicial immunity may only extend to all judicial acts within the court's jurisdiction and judicial capacity, but it does not extend to either criminal acts, or acts outside of official capacity or in the 'clear absence of all jurisdiction.' see *Stump v. Sparkman* 435 U.S. 349 (1978). "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid Constitutional provisions or valid statutes expressly depriving him of jurisdiction or judicial capacity, judicial immunity is lost." --*Rankin v. Howard* 633 F.2d 844 (1980), *Den Zeller v. Rankin*, 101 S.Ct. 2020 (1981).
- As stated by the United States Supreme Court in *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872), 'where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction.' The constitutional requirement of due process of the law is indispensable:"No person shall be held to answer for a capital, or otherwise

infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation." Article V, National Constitution. "A judgment can be void . . . where the court acts in a manner contrary to due process." --Am Jur 2d, §29 Void Judgments, p. 404. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." --Merritt v. Hunter, C.A. Kansas 170 F2d 739. "Moreover, all proceedings founded on the void judgment are themselves regarded as invalid." --Olson v. Leith 71 Wyo. 316, 257 P.2d 342. "In criminal cases, certain constitutional errors require automatic reversal," see State v. Schmit, 273 Minn. 78, 88, 139 N.W.2d 800, 807 (1966)

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4.) B.A.R. Union Cards are not licenses to practice law, but are private membership associations used for copyright privileges amongst Esquires in closed Union Shops, in violation of several Anti-Trust Acts.

5.) The Affiant's use of copyrighted Statutes, Codes, Rules, Regulations, Policies, Procedures, Case History, or other related events, fictitious or otherwise, does NOT put the Affiants under contract, presumption of contract,

concealments, or otherwise, simply because of the Affiants' demonstration that the Wrongdoers/Libellees violate their own corporate requirements.

6.) Foreign Agent B.A.R. Attorney/Trustee Philip Cross is in breach of trust.

7.) Philip Cross has an established reputation as a career criminal, who has created more problems for the population than a lawful Society can tolerate.

8.) Philip Cross has caused many people to bring action against him at the State level, such as Petitions for Redress, a House Address, a House Joint Resolution, and many House Committee Hearings, for his outrageous piracy.

9.) Philip Cross has decided to implement the Birth Certificate fraud as a means to seize the body of a living baby, trafficking (Commercial Trafficking of PERSONS) the living baby as the LEGAL FICTION.

10.) Philip Cross is the "business as usual" player for Title IV re-venue generation/trafficking benefitting the unjust enrichment of a foreign, continuing criminal enterprise/private entity we know as a B.A.R. Association/Society.

11.) According to R.I.C.O. definition, nearly everything Philip Cross and his Agents/accomplices do to Affiant is criminal in nature, and in support of a racketeering, continuing criminal enterprise.

12.) Philip Cross writes "recommendations" resulting in "orders" as officiated by people who are willing to "sign" whatever Philip Cross puts on paper, lawful or not, which is why they're equally liable for the trespasses against Affiant.

13.) This is Notice and Demand and a Notice of Intent by the Affiant, :Malinda: Nicolosi, to seek compensation and punishment for the despicable crimes perpetrated by “order takers” (Philip Cross and fellow conspirators serving Foreign Agents and/or Agencies) as demonstrated at the Nuremberg Trials.

14.) This is an Affidavit of the facts by the Affiant, :Malinda: Nicolosi, and an Affidavit without rebuttal demonstrates fraud and/or consent to the facts, which then stands as truth, and truth stands as sovereign.

15.) If the Libellees rebut any part, truthfully, negating any part of this Affidavit, all other parts remain as truth with the consent of Libellees.

16.) All Libellees shall rebut this Affidavit under the penalty of perjury or consent to the terms herein.

17.) Affiant, :Malinda: Nicolosi, demands her immediate release from all trafficking fraud by the NH BAR and compensation for all harms as described above, or the Affiant shall have no choice but to lien and seize all Estates and Assets belonging to the Libellees.

18.) If any harm comes to Affiant, resulting from aggressors with crimes in mind shall meet a similar fate, as lawlessness by lawless fiends is no longer to be tolerated, especially against our people who deserve our protection, namely Affiant, :Malinda: Nicolosi.

“When a person, being without fault, is in a place where he has a right to be, is violently assaulted, he may, without retreating, repel by force, and if, in the

reasonable exercise of his right of self defense, his assailant is killed, he is justified.” Runyan v. State, 57 Ind. 80; Miller v. State, 74 Ind. 1.

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“An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right to use force in defending himself as he would in repelling any other assault and battery.” (State v. Robinson, 145 ME. 77, 72 ATL. 260).

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“An arrest made with a defective warrant, or one issued without affidavit, or one that fails to allege a crime is within jurisdiction, and one who is being arrested, may resist arrest and break away. If the arresting officer is killed by one who is so resisting, the killing will be no more than an involuntary manslaughter.” Housh v. People, 75 111. 491; reaffirmed and quoted in State v. Leach, 7 Conn. 452; State v. Gleason, 32 Kan. 245; Ballard v. State, 43 Ohio 349; State v Rousseau, 241 P. 2d 447; State v. Spaulding, 34 Minn. 3621.

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Right of Defense Against Unlawful Arrest “Citizens may resist unlawful arrest to the point of taking an arresting officer's life if necessary.” Plummer v. State, 136 Ind. 306. This premise was upheld by the Supreme Court of the United States in the case: John Bad Elk v. U.S., 177 U.S. 529. The Court stated: “Where the officer is killed in the course of the disorder which naturally accompanies an attempted arrest that is resisted, the law looks with very different eyes upon the transaction, when the officer had the right to make the

arrest, from what it does if the officer had no right. What may be murder in the first case might be nothing more than manslaughter in the other, or the facts might show that no offense had been committed.”

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"Where an individual is detained, without a warrant and without having committed a crime, the detention is a false arrest and false imprisonment." Damages Awarded: Trezevant v. City of Tampa, 241 F2d. 336 (11th CIR 1984)

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19.) Affiant declares and proclaims with this Notice that there shall be no consent for or by her to participate in any “legal” conflict or controversy within an Administrative, Corporate, Foreign Court at any level.

20.) Affiant declares for all to hear that Philip Cross’ actions are criminal, his superiors will sign anything that he writes, and this has become a known problem many times, even at the State House, so in conclusion, Philip Cross is mentally unfit to act as Trustee.

21.) Philip Cross KNOWS that Anthony Grillo is not the father of Affiant’s baby, proven by two D.N.A. tests yet he wants to deny the baby’s real father simply because there was an error on a Birth Certificate, which is used by the B.A.R. to cover an artificial DEBT, making Affiant and Affiant’s baby human collateral for the artificial Bankruptcy.

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“For a crime to exist there must be an injured party. There can be no sanction or penalty imposed upon one because of his exercise of his constitutional rights.” Sherar v. Cullen, 486 F. 945

Within these Notices, Affiant uses this English language as it’s used commonly by people with it’s common definition(s) of words, phrases, sentences, and usual structure, without legalese, word magic, hidden or concealed or implied or presumes deceptions, dog-Latin, or otherwise, as commonly used by Crown Temple B.A.R. Attorneys who routinely and unlawfully entice and coerce people into the role OFFICE OF THE PERSON, DEBTOR, TAX-PAYER, STATE OF... EMPLOYEE, DECEDENT, DECEASED, CORPORATE ENTITY, and/or LEGAL NAME.

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WARNING!

Following these Notices come Tort Claims and
International Law Notices of Claims and Liens in the Admiralty,
Without the United States.

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Withdrawal of Power of Attorney

Withdrawal of Consent

No Contract - No Consent

I hereby revoke, rescind, cancel, and make void ab initio, from the beginning, all powers of attorney, in fact or otherwise, implied in "law" or otherwise, signed either by me or anyone else, as it pertains to any "tax file/ identification number" and/or "social security number" assigned to me, as it pertains to my "birth certificate," and as it pertains to any and all other numbers, "licenses," "certificates," and other "instruments" issued by any and all "government" and quasi-"governmental" departments or agencies, due to the use of various elements of fraud by said agencies to attempt to deprive me of my sovereignty and/or property.

I hereby waive, cancel, repudiate, and refuse to knowingly accept any alleged "benefit" or "gratuity" associated with any of the aforementioned numbers, "licenses," "certificates," and other "instruments." My use of any such numbers, "licenses," "certificates," or other "instruments" has been for information purposes only, and does not grant any "jurisdiction" to anyone.

I do hereby revoke and rescind all powers of attorney, in fact or otherwise, signed by me or otherwise, implied in "law" or otherwise, with or without my consent or knowledge, as it pertains to any and all property, real or personal, corporeal or incorporeal, obtained in the past, present, or future. I am the sole and absolute owner and possess allodial title to any and all such property.

Take notice that I also revoke, cancel, and make void from the beginning all powers of attorney, in fact, in presumption, or otherwise, signed either by me

or anyone else, claiming to act on my behalf, with or without my consent, as such power of attorney pertains to me or any property owned by me, by, but not limited to, any and all quasi/colorable, public, "governmental" departments, agencies or corporations on the grounds of constructive fraud, concealment, and nondisclosure of pertinent facts.

I affirm that all of the foregoing is true and correct. I affirm that I am competent to make this Affidavit. I hereby affix my own autograph to all of the affirmations in this entire document with explicit reservation of all my inalienable rights and my specific right not to be bound by any "contract" or

"obligation" which I have not entered into knowingly, voluntarily, intentionally, and without misrepresentation, duress, or coercion. The use of notary below is for identification only, and such use does **not** grant any "jurisdiction" to anyone.

FURTHER AFFIANT SAITH NOT.

Subscribed and sworn, without prejudice, and with all rights reserved, Principal, by Special Appearance De Bene Esse, Proceeding Sui Juris.

By: : Malinda : Niclosi

Date: 11/1/19

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**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - Family Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

IMPORTANT NOTICE TO PARTIES

**MALINDA A. NICOLosi
512 MAMMOTH ROAD
LONDONDERRY NH 03053**

COPY FOR SERVICE

(Received)

Case Name: **In the Matter of Anthony Grillo and Malinda Nicolosi**
Case Number: **622-2018-DM-00053**

Notice to the Respondent: Please read each page of this notice and follow the directions. It contains important information about your rights and responsibilities.

- The attached Parenting Petition has been filed at the above Court.
- If you wish to be heard in this matter, you must forward the attached **APPEARANCE** to the Court within fifteen (15) days of the date you receive this notice. This is known as the **RETURN DATE**. You must also forward a copy of the **APPEARANCE** to the Petitioner or the Petitioner's attorney. If the Court does not receive your **APPEARANCE** by the **RETURN DATE**, the Court will assume that you agree with all of the factual statements and requests made by the petitioner and that you do not wish to participate. The Court may grant the **PETITION** and issue other appropriate orders.
- Filing this **APPEARANCE** does not necessarily mean that you are contesting the **PETITION**, but only that you want to protect your right to participate in the process, and that you wish to be notified by the Court of any future proceedings in this matter.
- If you have minor children born to or adopted by you and the petitioner, you must complete and file the attached **UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA) AFFIDAVIT** (Form NHJB-2660-DFPS) with the court within thirty (30) days of the **RETURN DATE**. You must forward a copy of the **UCCJEA AFFIDAVIT** to the Petitioner or the Petitioner's Attorney.
- You may also file a **RESPONSE** to the **PETITION** and request a **TEMPORARY HEARING**. If you choose to do so, the Court must receive your **RESPONSE** within thirty days of the **RETURN DATE**, and you must forward a copy of your **RESPONSE** to the Petitioner or the Petitioner's Attorney.

You are required to comply with Family Division Rule 1.25-A. This rule requires parties disclose to each other numerous financial and other documents. Information about Rule 1.25-A is enclosed with this packet.

April 03, 2018


Robin E. Pinelle, Clerk of Court

(619)

LAST DAY TO INITIATE SERVICE BY CERTIFIED MAIL: April 10, 2018

☒ Certified mail, return receipt requested, restricted delivery

LAST DAY FOR SHERIFF SERVICE: April 30, 2018

☒ In hand or ☒ At abode

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - Family Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

February 28, 2018

**MALINDA A. NICOLosi
512 MAMMOTH ROAD
LONDONDERRY NH 03053**

(Letter to Case #)

Case Name: **In the Matter of Anthony Grillo and Malinda Nicolosi**
Case Number: **622-2018-DM-00053**

Dear Malinda Nicolosi:

Please be advised that we have received in this office a Individual Parenting Petition in the above named matter. If you wish, you or your attorney may come to 10th Circuit - Family Division - Derry at 10 Courthouse Lane Derry NH 03038 within 10 days and accept service. Please bring a photo ID.

If you do not accept service within the 10 days, the Petitioner may elect to have you served by alternate means.

Very truly yours,

Robin E. Pinelle

Robin E. Pinelle, Clerk of Court

(619)

C: Jason M. Sullivan, ESQ

The State of New Hampshire

ROCKINGHAM, SS.

10th Circuit-Family Division-Derry

Docket No: 022-2018-DM-53

In the Matter of Anthony Grillo and Malinda Nicolosi

RECEIVED
10th CIRCUIT COURT
2018 FEB 22 A 10:24

Returnable on the first Tuesday of

☐

COURT

☐

JURY

(FOR SUPERIOR COURT USE ONLY)

APPEARANCE

Please enter my appearance as counsel for:

Petitioner Anthony Grillo

I hereby certify that duplicates of this notice were forwarded to Respondent, pro se.

on: February 21, 2018

Signed:

Jason M. Sullivan, Esq.

Law Office of Jason M. Sullivan, PLLC

Address:

P.O. Box 22422

Portsmouth, NH 03802

NH Bar. No: 14360

Telephone:

603-433-1325

APPEARANCE

K

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>RECEIVED
NH CIRCUIT COURT
2018 FEB 22 A 10:23

Court Name: **10th Circuit - Family Division - Derry**
 Case Name: **In the Matter of Anthony Grillo and Malinda Nicolosi**
 Case Number: **622-2018-Dm53**
 (if known):

PARENTING PETITION

This form replaces the former "Petition for Custody"

- Petitioner Name **Anthony Grillo** Relationship to Child **Father**
 Date of Birth **02/02/1959** E-mail Address (optional) _____
 Residence Address **232 Eastern Ave., #303, Manchester, NH 03104**
 Mailing Address (if different) _____
 Telephone Number (Home) **(949) 929-4037** (Work) **(978) 475-9484**
- Respondent Name **Malinda Nicolosi** Relationship to Child **Mother**
 Date of Birth **05/10/1973** E-mail Address (optional) _____
 Residence Address **512 Mammoth Road, Londonderry, NH 03053**
 Mailing Address (if different) _____
 Telephone Number (Home) **(603) 858-0843** (Work) _____
- Length of time petitioner has been a resident of New Hampshire **14 yrs.**
 Length of time child(ren) has resided in New Hampshire **16 months**

4. List minor children born to or adopted by the parties:

Name	Date of Birth	Current Address
A [REDACTED] M [REDACTED] N [REDACTED] G [REDACTED]	02/02/2016	512 Mammoth Road, Londonderry, NH 03053

Questions 5 – 8 are required under RSA 458-A, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

It is important that you answer these questions with as much detail and accuracy as possible. Lack of adequate information could significantly delay orders being issued in your case.

There are several situations that might result in New Hampshire exercising jurisdiction over child/ren. The continuous presence of the child/ren in New Hampshire for six (6) months is not the only basis for jurisdiction. In some emergency situations, the court may be able to exercise jurisdiction on a temporary basis.

C

Case Name: In the Matter of Anthony Grillo and Malinda Nicolosi

Case Number: _____

PARENTING PETITION

5. List the places where the minor child/ren of the parties has/have lived in the last **five (5) years** and the names of the people they lived with at that time, if you know. Start with where the child lives now and work backward in time.

Dates From/To	Town/City, State	Parent(s)/Caretaker	Current Address/Contact Address of Parent/Caretaker	Which Child/ren
2016/2018	Londonderry	Malinda	512 Mammoth Road, Londonderry, NH 03053	A [REDACTED]
2016/2018	Manchester	Anthony	232 Eastern Ave. #303 Manchester, NH 03104	A [REDACTED]

If more space is needed, attach Extra Page (Form NHJB-2656-FP).

☐ I have attached Form NHJB-2656-FP because additional space was needed.

6. Are there any person(s), not a party to this proceeding, who have physical custody of the child/ren or who claim to have custody, physical custody or parenting time rights? ☐ Yes ☒ No

If yes, list name(s) and address(es) of person(s):

7. Check one of the following:

☒ I have not participated in any court case(s) concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state.

OR

☐ I have participated in court case(s) concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state. I have participated in the following:

Name of Court	State	Case No.	Date of Court Order

8. Are there any actions for enforcement, or proceedings relating to domestic violence, domestic relations, protective orders, marriage dissolution, paternity, legitimation, custody, parental rights and responsibilities, termination of parental rights, adoption, juvenile, or other proceedings in any court in any state affecting any children named in this petition or parents of those children? ☐ Yes ☒ No If yes, complete the following:

Name of Court	State	Case No.	Type of Court Case

D

Case Name: _____
 Case Number: _____
PARENTING PETITION

9. Optional: ☐ I am alleging, under oath, that my or my child/ren's health, safety, or liberty would be jeopardized by the disclosure of identifying information set forth in this Petition. To support my allegation, I state as follows:

10. Please check one of the following regarding public assistance.

- ☒ No public assistance (TANF) is now being or has within the last 6 months been provided, nor is medical assistance (Medicaid) presently being provided, for any minor child of the parties.
- ☐ The N. H. Department of Health and Human Services is providing or has provided within the last 6 months public assistance (TANF) and/or medical assistance (Medicaid) for a minor child or children of the parties. If you check this box, you must mail copies of this petition and the Personal Data Sheet (NHJB-2077-F) to DHHS at:

New Hampshire Department of Health and Human Services
 Division of Child Support Services - Legal Unit
 129 Pleasant Street
 Concord, NH 03301

11. Requests for court orders:

- A. TEMPORARY. The Petitioner respectfully requests that the Court issue temporary orders on any of the following issues. **(Check all that apply)**. A temporary order is in effect until the final hearing.
- ☐ Child support ☒ Parenting Plan ☐ Other _____
- B. FINAL. The Petitioner respectfully requests that the Court issue a final order approving or establishing the following **(Check all that apply)**:
- ☒ A parenting plan which describes the parties' parental rights and responsibilities relating to minor children;
- ☐ Child support obligations for any minor children;
- ☐ Any other relief which may be appropriate;
- ☐ Other: _____

I acknowledge that I have a continuing duty to inform the court of any court action in this or any other state that could affect the child/ren in this case..

I swear or affirm that the foregoing information is true and correct to the best of my knowledge.

Date: 02/20/2018

State of NH

Signature of Petitioner

County of Rockingham

This instrument was acknowledged before me on 02/20/18

by Anthony Grillo

My Commission Expires 07-27-2021

Affix Seal, if any

Signature of Notarial Officer / Title

Signature of Attorney for Petitioner

Jason M. Sullivan Esq., PO Box 22422, Portsmouth, NH
 Printed Name, Address and Phone Number of Attorney 03502

14366
 Bar #

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name:

Case Name:

Case Number:
(if known)10th Cir. Family Division - Derry

IM v Anthony Grillo and Melinda

Wed-2018-DM-53

RECEIVED
NH CIRCUIT COURT
FEB 22 A. 10: 24

FINANCIAL AFFIDAVIT

1. General Information Name <u>Anthony Grillo</u> Street Address <u>232 Eastern Ave. #303</u> Town/City, State, Zip <u>Manchester, NH. 03104</u> Mailing Address, if different _____ Date of Birth <u>1959</u> Social Security Number <u>2912</u> Highest Grade or Degree Completed _____ Date of Marriage <u>N/A</u> Date of Separation or Divorce <u>N/A</u>		4. Monthly Income - Miscellaneous AFDC, TANF, and Food Stamps \$ _____ Other Public Assistance \$ _____ Children's Income \$ _____ Child Support \$ _____ 5. Monthly Income Before Taxes Base Pay from Salary, Wages \$ _____ Overtime and Shift Differential \$ _____ Commissions, Tips, Bonuses \$ _____ Part-time Employment \$ _____ Self-employment \$ _____ Unemployment and Veteran's Benefits \$ _____ Disability, Workers' Compensation \$ _____ Pension and Retirement Benefits \$ _____ Social Security Benefits (SSA) \$ _____ Interest and Dividends \$ _____ Trust and Other Investment Income \$ _____ Rental Income and Business Profits \$ _____ All other sources \$ _____ Total Section 5 Monthly Income \$ _____	
2. Children born to, or adopted by, the Parties (Full Name, DOB, and SSN) <u>_____</u> <u>_____</u> <u>_____</u> 2a. Number of people currently living in household including self. <u>1</u>		6. Monthly Expenses Court Ordered Support for Others \$ _____ State Income Taxes \$ _____ Mandatory Pension \$ _____ 50% of actual self-employment taxes paid \$ _____ Health Insurance for Parties' Children \$ _____ Day Care for Parties' Children \$ _____ Total Section 6 Monthly Expenses \$ _____	
3. Employment Information Name, Address, and Phone Number of Employer <u>Indian Ridge Country Club</u> <u>73 Loxjoy Road, Andover, MA 01810</u> <u>978-475-9484</u> Date and Place of Last Employment <u>Indian Ridge Country Club - 12/30/2017</u> <u>Laid off until 04/01/2018</u> Job Skills <u>Server, golf shop attendant</u>			

7. Assets	Fair Market Value	Related Debt
Homestead	\$ <u>115,000</u>	\$ <u>110,000</u>
Other Real Estate	\$ _____	\$ _____
Primary Motor Vehicle	\$ <u>4,500</u>	\$ _____
Other Motor Vehicles	\$ _____	\$ _____
Furniture and Appliances	\$ <u>10,000</u>	\$ _____
Checking Accounts	\$ _____	\$ _____
Investments	\$ _____	\$ _____
Life Insurance	\$ <u>10,000</u>	\$ _____
Business Interests	\$ _____	\$ _____
Pensions	\$ _____	\$ _____
Retirement Accounts	\$ _____	\$ _____

Additional Information:

receives unemp.
 layment when
 off-season +
 works for friend's
 restaurant Suppas
 (both not mentioned)

11. Debts Cont.

Best Buy	\$625.-
Banana Republic	\$6,000.-
GAP	\$2,200.-
First Premier	\$1,450.-
Home Depot	\$1,800.-
Macy's	\$3,200.-
Walmart	\$4,200.-
<hr/>	
Total:	\$33,475.-

6

Case Name: _____

Case Number: _____

FINANCIAL AFFIDAVIT

8. Additional Assets - If you have an interest in any property which is held solely by or jointly with any other person or entity, and which has not already been disclosed, or if you are owed money from any source, please explain

9. Tax Return Information

Year of last return filed _____

Single or joint return Single

My Total W-2s and 1099s = \$ _____

☐ If Self-employed, check here and attach copy of most recent IRS Schedule C.

10. Insurance

Life

Company _____

Type and Face Amount _____

Beneficiaries _____

Health

Company Blue Cross Blue Shield

Type _____

Description of Coverage _____

Dental

Company Blue Cross Blue Shield

Description of Coverage _____

14. Additional Information

I swear (affirm) that:

- A. To the best of my knowledge and belief, I have fully disclosed all income and all assets having any substantial value, and
- B. I have reasonably estimated the fair market value of each asset; and
- C. I understand that I have a duty to update the information provided in this financial affidavit for each court hearing, and
- D. I understand that if a support order is issued in this case obligating me to pay support, it shall be my responsibility to immediately provide the Court with any change of address in writing. If I fail to do so, I may be held in default, found in contempt of court and a warrant may be issued for my arrest. (See USO Standing Order SO-4C.)
- E. Rule 1.25-A Compliance - Family Division Only: (Initial one)

_____ I have complied with Rule 1.25-A regarding mandatory disclosure, OR

_____ I understand my obligation to comply with Rule 1.25-A regarding mandatory disclosure. I have not fully complied with Rule 1.25-A

due to:

FEB 15 2018

Date

State of Massachusetts County of Essex

The person signing this financial affidavit appeared and signed this before me and took oath that the statements set forth in this Financial Affidavit, together with any attachments listed in section 13 above, are true to the best of his or her knowledge and belief.

This instrument was acknowledged before me on 2/15/2018 by _____

My commission expires: 1/11/2024

Affix seal, if any

I certify that on this date I provided a copy of this document to _____

(other party's attorney) by: ☐ Hand-delivery ☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order)

Date

Signature

11. Debts - Can't on separate paper.

Who is debt owed to? Who owes debt? Balance

Good Year \$ 1,800.-

Kays \$ 1,100.-

Dick's Sporting Goods \$ 3,600.-

Chase \$ 2,000.-

JC Penney \$ 5,500.-

12. Retirement Plans

Plan or Account Name _____

Type _____

Most Recent Value \$ _____

Value at Filing \$ _____

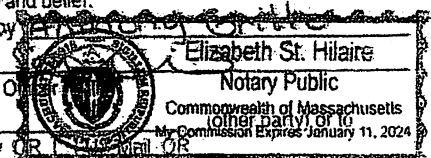
If Defined Benefit, status of vesting and description of Benefit

13. Attachments:

☐ Pay Stub ☐ Monthly Expenses

☐ Schedule C ☐ Other (describe) _____

☐ Check here if parties agree to waive Monthly Expenses form.



I

Case Name: _____
 Case Number: _____
FINANCIAL AFFIDAVIT

THE STATE OF NEW HAMPSHIRE

General Instructions for Completing the Financial Affidavit Form NHJB-2065-F

- A. When this form is needed - You must fill out and file this form with the Court.
- If you are the petitioner or respondent in a divorce, legal separation, or civil union dissolution case.
 If you are the petitioner or respondent in an after-divorce, custody/parenting, child support, or paternity case.
 If either side is requesting child support or alimony or a change in an existing support or alimony order.
 If a person's ability to pay an obligation is an issue.
 Any other time that the Court may require.
- B. If you need more space for any answer, either add an attachment and note it at section 13, or use section 14.
 When using section 14, put in the number of the answer needing more space, and then the information.
- C. The importance of the oath - This form must be sworn to under oath and signed before a Notary Public or N.H. Justice of the Peace. All information must be true, accurate, and complete, to the best of your knowledge and belief, under the pains and penalties of perjury.
- D. Monthly Expenses form - You must always fill out and attach the Monthly Expenses form in the following cases.
- If child support is an issue and either side claims that the Child Support Guidelines should not apply.
 - If either side is requesting alimony or payment of college expenses.
 - If you and the other side do not agree how to divide your debts.
 - If either side requests it.
 - If the Court requires it.
- It is not required in other cases, if both sides agree by checking the box in section 13, or if the Office of Child Support Enforcement (OCSE) does not request it and the Court approves.
- E. Duty to Update - You must fill out and file a new Financial Affidavit for every hearing.
- F. Use of Forms - You may use the Financial Affidavit and Monthly Expenses forms provided by the Court or your own forms, as long as the format and content are identical to the Court version. You may design other attachments as you see fit.
- G. Child Support - If child support is an issue, read the Uniform Support Order and its Instructions.

Specific Instructions for Numbered Sections of the Financial Affidavit Form

1. General Information - *Street Address* means your complete residence address. If you have filed a Domestic Violence Petition, or if there are restraining orders, you do *not* have to give your address. The last two lines in section 1 apply only to divorce and post-divorce cases.
2. Children of the Parties - Fill in the first and last name, with middle initial, if any, for each child. Give date of birth and Social Security Number.
3. Employment Information - Fill in name, address and phone number of current employer. List date and place of last employment. List job skills.
4. Monthly Income - Miscellaneous - List all public assistance income, including AFDC, TANF, food stamps, SSI, APTD, and general assistance from town or county. If your dependent children receive income from employment, investments, or other sources, list it here. This income is *excluded* when calculating child support.
5. Monthly Income - Before Taxes - List *all* income, except from those sources specified in section 4. If you are paid weekly, multiply the weekly amount by 4.33 to get monthly. If you are paid every 2 weeks, multiply the bi-weekly amount by 2.17 to get monthly. If income is occasional or irregular, fill in the average amount.
6. Monthly Expenses - *Support for Others* means child support or alimony you are paying under court order for children other than the children of the parties, or for alimony for another ex-spouse. *Health Insurance* means the actual amount paid for medical insurance coverage for the children of the parties.

J

Case Name: _____

Case Number: _____

FINANCIAL AFFIDAVIT

7/8. **Asset Information** - You must list all of your assets in these sections. In section 7, the first column is for your good-faith estimate of the total fair market value of assets in each category. *Fair Market Value* is what you could sell an asset for, *not* the purchase price or replacement cost. It is not necessary to have every asset appraised. However, you must consider all factors known to you when stating values. The second column is to list any debts that are owed against the asset, such as a mortgage or a vehicle loan. You may put any additional information in the third column.

Motor Vehicles means cars, trucks, motorcycles, airplanes, boats, snowmobiles and the like.

Investments means savings accounts, certificates of deposit, stocks, savings bonds, other bonds, money market accounts, and the like.

Life Insurance means the *cash value* of any life insurance policy that you own or have an interest in.

Pension means a defined benefit retirement plan. What you receive is based on years of service and pay.

Retirement Account means a defined contribution plan or other retirement account in your name.

Examples are: 401(k) plans, thrift/savings plans, Keoghs, IRAs.

The extra lines are for other categories of assets that are not listed on the form, or for providing more details on listed assets. You must list *all* assets. Assets include, but are not limited to, the following:

Any asset in which you have an interest, but that is being held in the name of someone else. For example, if a relative is holding money or an asset that you own, or can get back under any circumstances, you must include it.

Any assets that are owned partly by you and partly by someone else, such as a jointly owned bank account, motorcycle, or piece of real estate.

Any asset of substantial value that you either gave away or sold for less than fair market value, within 6 months of the date of the Financial Affidavit.

Any debt that anyone owes you, whether or not repayment is expected or likely.

9. **Tax Return Information** - Total W-2s and 1099s refer to those tax forms from work done by you and from assets in your name. Do *not* include those that result from your spouse's income.

10. **Insurance** - List all insurance coverage you have. *Description* means any deductibles and co-pays.

11. **Debts** - List all debts in your name or joint names. *Debt* means loans, credit cards, past due bills, and the like. For each debt, list the name of the person or business you owe the debt to, whether the debt is in your name or in joint names, and the amount currently owed.

12. **Pension and Retirement Accounts** - Name your retirement plans or accounts. On the second line, note if your retirement account is a 401(k) plan, profit-sharing plan, defined benefit plan, or other specific type of plan. A defined benefit plan is one where what you receive is based upon years of service and pay. *Value at filing* refers to the value of your retirement plan at the time the divorce was filed, and needs to be filled in only in divorce cases.

13. **List of Attachments** - Check off which forms and documents you are attaching to your Financial Affidavit. If the attachment is not listed, check off *other* and write in what it is.

14. **Additional Information** - Use this space to provide information that will not fit in prior sections and to provide additional information that you wish the Court to consider.

Certification of Copies - You must give a copy of your Financial Affidavit with all attachments to the other side. The *other side* means the lawyer representing your spouse, ex-spouse, or the other parent. If he or she does not have a lawyer, give it to your spouse, ex-spouse, or the other parent. If the State is a party, also give a copy to Office of Child Support Enforcement (OCSE). Write in the names of each person you have given a copy to.

Monthly Expenses - Section D above explains who must complete the Monthly Expenses form.

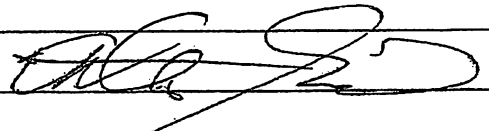
THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: **10th Circuit - Family Division - Derry**
 Case Name: **In the Matter of Anthony Grillo and Malinsa Nicolosi**
 Case Number: **1022-2018-DM-53**
 (if known)

PERSONAL DATA SHEET

- Name of person(s) completing this form **Anthony Grillo**
☐ (Check if applicable) Because I believe that my safety, or the safety of my children is at risk, I request that the information contained in this Personal Data Sheet not be disclosed to the other party. The reasons are: _____
- Type of case filed today:
☐ Petition for Divorce ☐ Petition for Legal Separation ☐ Joint Petition for Legal Separation
☐ Joint Petition for Divorce ☐ Domestic Violence Petition
☐ Petition for Civil Union Dissolution ☒ Parenting Petition
☐ Joint Petition for Civil Union Dissolution ☐ Paternity/Legitimation
☐ Petition to Change Court Order/Modification ☐ Other: _____
- Name of Petitioner **Anthony Grillo** Date of Birth **1959**
 State of Birth **Massachusetts** Social Security Number **2912**
 Residence Address **232 Eastern Ave. #303, Manchester, NH 03104**
 Mailing Address (if different) _____
 Phone number (home) **(949) 929-4037** (work) _____
 E-mail Address _____
 Employer's Name and Address **Indian Ridge Country Club, 73 Lovejoy Road, Andover, MA 01810**
- Name of Respondent **Malinda Nicolosi** Date of Birth **1973**
 State of Birth **Massachusetts** Social Security Number **Unknown at present**
 Residence Address **512 Mammoth Road, Londonderry, NH 03053**
 Mailing Address (if different) _____
 Phone number (home) **(603) 858-0843** (work) _____
 E-mail Address _____
 Employer's Name and Address _____
- Child(ren)'s Full Name(s) Date of Birth Social Security # State of Birth
A [redacted] M [redacted] N [redacted] **2016** **3423** **New Hampshire**
G [redacted]

02/20/2018
 Date


 Signature

Date

Signature (if joint petition)

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

10th Circuit-Family Division-Derry
Docket No: 622-2018-DM-0053

In the Matter of Anthony Grillo and Malinda Nicolosi

Petitioner's Reply to Objection to Petitioner's Fifth Motion for
Contempt of Court

NOW COMES Petitioner, by and through counsel, who respectfully
submits the following:

1. To the extent that Respondent's Objection requests a
continuance and the appointment of a GAL, the Petitioner objects
to both.

WHEREFORE, Petitioner, respectfully requests that this Honorable
Court:

- A. Deny the request to continue this matter and the
appointment of a GAL; and
- B. Grant such other relief as may be just and proper.

NO Reasons
for objections
to GAL or
continuance

Respectfully submitted,
Anthony Grillo
By his attorney,
Jason M. Sullivan

DATED:

7/25/19

Law Office of Jason M. Sullivan,
PLLC
P.O. Box 22422
Portsmouth, NH 03802
(603) 433-1325 (tel)
(603) 436-7388 (fax)
NH Bar No: 14360

CERTIFICATE OF SERVICE

I, Jason M. Sullivan, hereby certify that on the 25th day of July 2019, the undersigned forwarded a copy of the herein to Malinda Nicolosi, pro se.

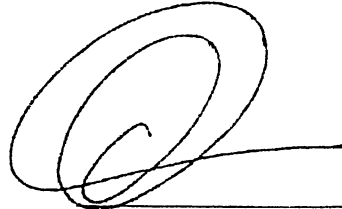
Jason M. Sullivan, Esq.

CERTIFICATE OF SERVICE

I, Olivier Sakellarios, hereby certify that a copy of the foregoing Motion to Continue has been sent this day via first-class mail, postage prepaid, to:

Jason M. Sullivan, Esquire
8 Executive Park Drive
Bedford, NH 0310

Dated: July 22, 2019



Olivier Sakellarios, Esquire

7/30/19 RECOMMENDED: MOTION DENIED FOR THE REASONS
CITED IN THE OBJECTION. FURTHER, THE CASE HAS
BEEN PENDING FOR MORE THAN 17 MONTHS AND
THE LITIGATION HAS BEEN VERY CONTENTIOUS AND
NEEDS TO FINISH FOR THE SAKE OF A [REDACTED], WHOSE
MEDICAL CARE IS AT CONSIDERABLE RISK.



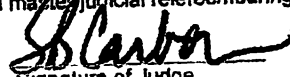
Philip D. Cross,
REFeree

So Ordered:

hereby certify that I have read the recommendation(s)
and agree that, to the extent the marital master/judicial
referee/hearing officer has made factual findings, she/he
has applied the correct legal standard to the facts
determined by the marital master/judicial referee/hearing
officer.

8-2-19

Date



Signature of Judge

Susan B. Carbon

Jury Demand

☒ Check this box if you are requesting a jury trial (if you want a jury of your peers to decide your case).

☐ Check this box if you are NOT requesting a jury trial (if you want the assigned judge to decide your case).

Date:

10/31/19

Signature:

Maria Melle